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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	) Mag. Case No. '08 MJ 8182
v.	) COMPLAINT FOR VIOLATION OF:
Miguel Angel ROSAS-Lopez (1)	) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) -Illegal Transportation of Alien(s)
Apolonio LOZANO-Sanchez (2)	)
Defendants	)

The undersigned complainant, being duly sworn, states:

On or about February 27, 2008, within the Southern District of California, defendants, Miguel Angel ROSAS-Lopez and Apolonio LOZANO-Sanchez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Alfonso VILLAREAL-Mora and Jose Luis JIMENEZ had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 28th DAY OF FEBRUARY 2008.

Peter C. Lewis
United States Magistrate Judge

UNITED STATES OF AMERICA

v.

Miguel Angel ROSAS-Lopez (1)

Apolonio LOZANO-Sanchez (2)

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending U.S. Border Patrol Agent A. Hernandez that on February 27, 2008, the defendants, natives and citizens of Mexico, were apprehended near Seeley, California, along with (2) two other undocumented aliens from Mexico, in violation of law.

On February 27, 2008, at approximately 8:12 A.M. the Calexico, California, U.S. Border Patrol Station's radio dispatch relayed to agents a concerned citizen phoned in and reported a white sedan just loaded up with possible illegal aliens in the area of Ocotillo, California.

Agent Hernandez was in the area and observed a vehicle that fit the description of the possible load vehicle. Agent Hernandez observed the sedan as having a Baja California license plate of BED1574. To further investigate this sedan and its occupants, using the emergency lights and siren on her Border Patrol vehicle, Agent Hernandez attempted to stop the sedan. The driver, later identified as Miguel Angel ROSAS-Lopez, failed to yield to Agent Hernandez.

A controlled tire deflation device was successfully deployed against the sedan, yet ROSAS still failed to yield to agents. After driving for approximately one mile on two flat tires the sedan finally stopped. The four occupants attempted to abscond from the sedan but were quickly stopped by agents. The agents identified themselves as Border Patrol Agents to the occupants and questioned them. It was determined the occupants are all citizens of Mexico illegally in the United States. ROSAS and the three others were arrested and transported to the Border Patrol Station

It was determined one individual of the group identified as Apolonio LOZANO-Sanchez was the individual who guided the group through the mountains into the United States from Mexico.

ROSAS was advised his rights as per Miranda. ROSAS stated he understood his rights and was willing to answer questions without an attorney present. ROSAS stated he was taken to the mountains where he met the guide of the group and eight other individuals waiting to cross. ROSAS stated he did not know the driver or the others in the group and he was told not to say anything if caught.

LOZANO was advised his rights per Miranda. LOZANO stated he understood his rights and was willing to answer guestions without an attorney present. LOZANO stated he made arrangements with a smuggler known as "Grenas" to be smuggled into the United States illegally and "Grenas" offered him free passage if he agreed to smuggle 10 groups of illegal aliens into the United States. LOZANO agreed to do this. LOZANO stated he learned the route from another guide called "Chupepe". LOZANO stated he had crossed with seven other groups. LOZANO stated on two of the crossings he and his group were apprehended by Border Patrol. LOZANO stated he was given a radio by "Grenas" to be used while he was guiding the group. LOZANO stated on this occasion he started out with four individuals to be guided but two of them turned back to Mexico because they could not keep up, leaving LOZANO and two others to continue. LOZANO was told by "Grenas" a white Grand Marquis was going to pick him and the group up. LOZANO stated only he and the other two aliens he guided got into the vehicle and the only other person inside the vehicle was the driver. LOZANO stated after the sedan stopped the driver was the one who told them all to run. LOZANO stated he has seen the driver on two previous occasions when he successfully smuggled groups into the United States.

LOZANO was shown a six pack photo line up and positively identified photo number 5, ROSAS, as the driver of the sedan.

Material Witnesses, Alfonso VILLAREAL-Mora and Jose Luis JIMENEZ, both stated arrangements were made in Mexico to be smuggled illegally into the United States for a fee.

Both VILLAREAL and JIMENEZ were shown two six-pack photo line-ups and identified photo number 5, ROSAS, from the first photo line-up as the driver of the sedan. Both VILLAREAL and JIMENEZ identified photo number 3, LOZANO, from the second photo line-up as the individual who guided them through the mountains to the sedan.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Alfonso VILLAREAL-Mora	Mexico
Jose Luis JIMENEZ	Mexico

Further, complainant states that Alfonso VILLAREAL-Mora and Jose Luis JIMENEZ are citizens of a country other than the United States; that said aliens have admitted they are deportable; their testimony is material, it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.